



July 26, 2000

Mr. Steven D. Monté  
Assistant City Attorney  
City Of Dallas  
2014 Main Street, Room #206  
Dallas, Texas 75201

OR2000-2837

Dear Mr. Monté:

You ask whether certain information is subject to required public disclosure under the Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 137421.

The Dallas Police Department (the "department") received a request for its policies and procedures relating to entering a residence. You claim that portions of the requested information are excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and have reviewed the information you submitted.

Section 552.108 of the Government Code, the "law enforcement exception," provides in relevant part that "[a]n internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution is excepted from [required public disclosure] if . . . release of the internal record or notation would interfere with law enforcement or prosecution[.]" Gov't Code § 552.108(b)(1). A governmental body that claims an exception to disclosure under section 552.108 must provide a sufficient explanation, if the responsive information does not do so on its face, of how and why section 552.108 is applicable. *See Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977); Open Records Decision No. 434 at 2-3 (1986); *see also* Open Records Decision No. 531 at 2 (1989) (stating that predecessor statute protected information held by a law enforcement agency if its release would unduly interfere with law enforcement and crime prevention).

On previous occasions, this office has concluded that section 552.108 protects certain kinds of information the disclosure of which might compromise the security or operations of a law enforcement agency. *See, e.g.*, Open Records Decision Nos. 531 (1989) (detailed guidelines regarding a police department's use of force policy excepted from disclosure), 508 (1988)

(information relating to future transfers of prisoners could be protected), 413 (1984) (sketch showing security measures for forthcoming execution protected), 211 (1978) (information relating to undercover narcotics investigations), 143 (1977) (log revealing use of electronic eavesdropping equipment), 127 (1976) (list of persons who entered or left Governor's Mansion).

You inform us that the information in question here includes a detailed guide as to how police officers should approach a residence before entering. You contend that "release could interfere and complicate the procedures that the police department intends to use. Plus, the lives of the [Dallas Police Department] personnel could be put at risk if the public knew the internal guidelines that were used in such operations." Having considered your arguments and reviewed the submitted information, we agree that a portion of that information is excepted from disclosure under section 552.108(b)(1) of the Government Code. The department may withhold that information, which we have labeled, from the requestor. Your arguments do not persuade us, however, that disclosure of the rest of the information in question would interfere with law enforcement and crime prevention. Therefore, that information is not excepted from public disclosure and must be released.

This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

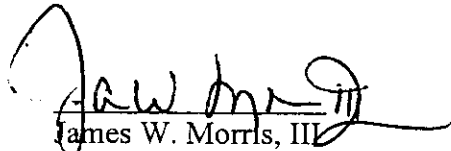
This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body's intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at 877/673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.--Austin 1992, no writ).

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,



James W. Morris, III  
Assistant Attorney General  
Open Records Division

JWM/ljp

Ref: ID# 137421

Encl. Submitted documents

cc: Mr. C. Leroy Johnson  
2606 Martin Luther King Boulevard  
Dallas, Texas 75215  
(w/o enclosures)